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Attorney for Defendant ELIZABETH A. HOLMES

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ELIZABETH HOLMES and
RAMESH "SUNNY" BALWANI,

Defendants.

) Case No. CR-18-00258-EJD

) **DECLARATION OF JOHN D. CLINE IN**
) **SUPPORT OF MS. HOLMES' RESPONSE TO**
) **MOTION TO INTERVENE FOR THE LIMITED**
) **PURPOSE OF MOVING TO EXEMPT JOHN**
) **CARREYROU FROM WITNESS EXCLUSION**
) **AND GAG ORDER**

) Hon. Nathanael Cousins

DECLARATION OF JOHN D. CLINE IN SUPPORT OF MS. HOLMES' RESPONSE TO MOTION
TO INTERVENE AND TO EXEMPT JOHN CARREYROU FROM WITNESS EXCLUSION AND
GAG ORDER
CR-18-00258 EJD

1 I, JOHN D. CLINE, declare as follows:

2 1. I represent Defendant Elizabeth Holmes in the above-captioned matter. I submit this
3 declaration in support of Ms. Holmes' Response to Motion to Intervene for the Limited Purpose of
4 Moving to Exempt John Carreyrou from Witness Exclusion and Gag Order.

5 2. Attached to this declaration are seven exhibits.

6 3. The contents of the exhibits are as follows:

7 a. Exhibit 1 is a true and correct copy of a February 1, 2021 Memorandum of
8 Interview of Dr. Kingshuk Das, Bates-stamped US-REPORTS-0024149.

9 b. Exhibit 2 is a true and correct copy of an email exchange dated June 16, 2015
10 between Penny Keller, Sarah Bennett, and Penelope Meyers, as well as preceding email exchanges on
11 the same thread. This document is Bates-stamped CMS056877, and has been redacted to conceal
12 personal information.

13 c. Exhibit 3 is a true and correct copy of an email dated December 16, 2015 between
14 Lauren Shaham, Karen Dyer, Jan Tarantino, Sarah Bennett, David Wright, Gary Yamamoto, Jack
15 Cheevers, Kate Goodrich, Thomas Hamilton, Jean Moody-Williams, and Jennifer Druckman, as well as
16 underlying emails in the same email thread. This document is Bates-stamped CMS042208, and has
17 been redacted to conceal personal information.

18 d. Exhibit 4 is a true and correct copy of an email dated November 3, 2015 between
19 Lauren Shaham, Karen Dyer, Jan Tarantino and Sarah Bennett, as well as underlying emails in the same
20 email thread. The document is Bates-stamped CMS008732, and has been redacted to conceal personal
21 information.

22 e. Exhibit 5 is a true and correct copy of a November 2, 2015 email between Lauren
23 Shaham and Aaron Albright entitled "FW: Requirements for laboratory directors," as well as underlying
24 emails in the same thread. The document is Bates-stamped CMS007240, and has been redacted to
25 conceal personal information.

26 f. Exhibit 6 is a true and correct copy of a June 5, 2015 email entitled "WSJ Inquiry
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28 DECLARATION OF JOHN D. CLINE IN SUPPORT OF MS. HOLMES' RESPONSE TO MOTION
TO INTERVENE AND TO EXEMPT JOHN CARREYROU FROM WITNESS EXCLUSION AND
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CR-18-00258 EJD

1 on Theranos” between Lauren Shaham, Lauren Crawford, Veronica Jackson, Katie Hill, Jennifer
2 Dooren, and Aaron Albright, as well as underlying emails in the same thread. The document is Bates-
3 stamped CMS005125, and has been redacted to conceal personal information.

4 g. Exhibit 7 is a true and correct copy of an August 29, 2019 Memorandum of
5 Interview of Surekha Gangakhedkar, Bates-stamped US-REPORTS-0013609.

6 I declare under penalty of perjury that the foregoing is true and correct.

7 Executed this 13th day of October 2021 in San Jose, CA.

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12 JOHN D. CLINE
13 Attorney for Elizabeth Holmes
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28 DECLARATION OF JOHN D. CLINE IN SUPPORT OF MS. HOLMES’ RESPONSE TO MOTION
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